

117TH CONGRESS  
2D SESSION

# S. 4729

To amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit’s Peak/Calf Canyon Fire.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2022

Mr. LUJÁN (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit’s Peak/Calf Canyon Fire.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hermit’s Peak/Calf  
5 Canyon Fire Forest Restoration Program Relief Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) on April 6, 2022, the Forest Service initi-  
2           ated the Las Dispensas-Gallinas prescribed burn on  
3           Federal land in the Santa Fe National Forest in  
4           San Miguel County, New Mexico, when erratic winds  
5           were prevalent in the area, which was also suffering  
6           from severe drought after many years of insufficient  
7           precipitation;

8           (2) on April 6, 2022, the prescribed burn,  
9           which became known as the “Hermit’s Peak Fire”,  
10          exceeded the containment capabilities of the Forest  
11          Service, was declared a wildfire, and spread to other  
12          Federal and non-Federal land;

13          (3) on April 19, 2022, the Calf Canyon Fire,  
14          also in San Miguel County, New Mexico, began  
15          burning on Federal land and was later identified as  
16          the result of a pile burn in January 2022 that re-  
17          mained dormant under the surface before re-  
18          emerging;

19          (4) on April 27, 2022, the Hermit’s Peak Fire  
20          and the Calf Canyon Fire merged, and both fires  
21          were reported as the “Hermit’s Peak Fire” or the  
22          “Hermit’s Peak/Calf Canyon Fire”;

23          (5) by May 2, 2022, the fire had grown in size  
24          and caused evacuations in multiple villages and com-  
25          munities in San Miguel County and Mora County,

1 including at the San Miguel county jail, the State's  
2 psychiatric hospital, the United World College, and  
3 New Mexico Highlands University;

4 (6) on May 4, 2022, the President issued a  
5 major disaster declaration for the counties of Colfax,  
6 Mora, and San Miguel, New Mexico;

7 (7) on May 20, 2022, Chief of the Forest Serv-  
8 ice Randy Moore ordered a 90-day review of pre-  
9 scribed burn policies to reduce the risk of wildfires  
10 and ensure the safety of the communities involved;

11 (8) the Forest Service has assumed responsi-  
12 bility for the Hermit's Peak/Calf Canyon Fire;

13 (9) the fire resulted in the loss of Federal,  
14 State, local, Tribal, and private property; and

15 (10) the United States should compensate the  
16 victims of the Hermit's Peak/Calf Canyon Fire.

17 **SEC. 3. PURPOSE.**

18 The purpose of this Act is to ensure that victims of  
19 the Hermit's Peak/Calf Canyon Fire are eligible to receive  
20 100 percent funding for the cost of carrying out emer-  
21 gency measures under the emergency forest restoration  
22 program under section 407 of the Agricultural Credit Act  
23 of 1978 (16 U.S.C. 2206).

1 **SEC. 4. DEFINITION OF HERMIT'S PEAK/CALF CANYON**  
2 **FIRE.**

3 In this Act, the term “Hermit’s Peak/Calf Canyon  
4 Fire” means—

5 (1) the fire resulting from the initiation by the  
6 Forest Service of a prescribed burn in the Santa Fe  
7 National Forest in San Miguel County, New Mexico,  
8 on April 6, 2022;

9 (2) the pile burn holdover resulting from a pre-  
10 scribed burn by the Forest Service in January 2022,  
11 which reemerged on April 19, 2022; and

12 (3) the merger of the fires described in para-  
13 graphs (1) and (2), reported as the “Hermit’s Peak  
14 Fire” or the “Hermit’s Peak/Calf Canyon Fire”.

15 **SEC. 5. WAIVER OF COST SHARE REQUIREMENT FOR LAND**  
16 **DAMAGED BY HERMIT'S PEAK/CALF CANYON**  
17 **FIRE.**

18 The Secretary of Agriculture shall waive the cost  
19 share requirement under subsection (d) of section 407 of  
20 the Agricultural Credit Act of 1978 (16 U.S.C. 2206) with  
21 respect to a payment provided under that section for res-  
22 toration of land damaged by the Hermit’s Peak/Calf Can-  
23 yon Fire.

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